

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MUKUL VERMA,

Defendant.

Case No. 3:24-cv-05885

TEMPORARY RESTRAINING ORDER TO  
PROVIDE INVOLUNTARY MEDICAL  
TREATMENT

The United States Department of Homeland Security, Immigration and Customs Enforcement (hereinafter “ICE”), by and through the United States Attorney for the Western District of Washington, has filed an ex parte emergency motion for a temporary restraining order permitting the government to administer involuntary hydration to Mukul Verma, who is currently being held as a civil detainee at the Northwest ICE Processing Center in Tacoma, Washington.

Mr. Verma is a citizen and national of India who has been detained at the Northwest ICE Processing Center since August 4, 2024. Dkt. 1 ¶ 6. On October 14, 2024, Mr. Verma missed his ninth consecutive meal and was officially listed as being on hunger strike. Dkt. 1-4 ¶ 7. Mr. Verma has also refused any significant fluid intake since October 15, 2024. *Id.* Medical staff have unsuccessfully attempted to convince Mr. Verma to end his hunger strike and begin eating food

1 and drinking fluids. Dkt. 1 ¶ 8. Mr. Verma has said he will remain on hunger strike and will not  
2 eat or drink anything until he speaks with ICE and resolves his case. Dkt. 1-4 ¶ 7. Mr. Verma  
3 agreed to be transported to a local emergency department on October 17, 2024, but once there,  
4 refused assessment and hydration and was subsequently discharged. Dkt. 1 ¶ 7. He has exhibited  
5 low blood pressure, gait unsteadiness, and dizziness. Dkt. 1-4 ¶ 11. According to a declaration  
6 filed by Dr. Eddie Wang, the medical clinic director at the Northwest ICE Processing Center and  
7 board-certified physician, Mr. Verma's current physical condition requires the administration of  
8 intravenous hydration to prevent further deterioration and serious medical complications. Dkt. 1-  
9 4 ¶ 18–19. Without hydration, Mr. Verma risks severe metabolic imbalance, which could result in  
10 permanent organ damage, cardiac arrest, or death. *Id.* ¶ 17–19.

11 A plaintiff seeking a temporary restraining order must show: (1) they are likely to succeed  
12 on the merits, (2) the potential for irreparable harm in the absence of preliminary relief, (3) the  
13 balance of equities is in favor of injunction, and (4) the relief sought is in the public interest. *Winter*  
14 *v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). To obtain a temporary restraining order ex  
15 parte, the moving party must show specific facts in an affidavit that “clearly show that immediate  
16 and irreparable injury, loss, or damage will result to the movant before the adverse party can be  
17 heard in opposition.” Fed. R. Civ. P. 65(b). This Court's local civil rules also require the moving  
18 party to “serve all motion papers on the opposing party, by electronic means if available, before or  
19 contemporaneously with the filing of the motion and include a certificate of service with the  
20 motion.” W.D. Wash. Local Civ. R. 65(b)(1).

21 Here, the United States has filed affidavits from Dr. Wang and from Allison Williams,  
22 Assistant Field Office Director of the ICE office of Enforcement and Removal Operations (ERO),  
23 explaining the immediate and irreparable harm both to Mr. Verma's health and safety and the  
24 operations of ICE at the processing center if they are not able to administer intravenous hydration.

1 Dkt. 1-3, 1-4.

2 In determining the United States' likelihood of success on the merits, the Court recognizes  
3 that federal courts are split on the applicable standard to evaluate the constitutionality of  
4 administering involuntary medical care, hydration, and nutrition to civil immigration detainees.  
5 *See In re Bahadur*, 441 F.Supp.3d 467, 475 (W.D. Tex. 2020) (discussing possible standards under  
6 *Turner v. Safley*, 482 U.S. 78 (1987), *Youngberg v. Romeo*, 457 U.S. 307 (1982), and *Bell v.*  
7 *Wolfish*, 441 U.S. 520 (1979)).


8 Under any of the standards articulated in *Turner*, *Youngberg*, and *Bell*, however, the Court  
9 finds that the United States' request in this motion—to administer involuntary intravenous  
10 hydration under the current circumstances faced by Mr. Verma—is likely to succeed on the merits  
11 when balancing the United States' interests in preserving the health and life of detainees in its  
12 custody against Mr. Verma's interest in continuing his hunger strike with no fluid intake. Based  
13 on the declarations of Dr. Wang and Ms. Williams, the Court finds that without the requested  
14 authority to administer intravenous hydration, immediate and irreparable injury will occur to the  
15 United States' interest in maintaining Mr. Verma's health and life, and that the immediate threat  
16 of this injury requires this order be issued before full notice and opportunity for Mr. Verma to be  
17 heard. *See* Fed. R. Civ. P. 65(b)(1), (2). The Court further finds that the balance of equities and the  
18 public interest favor entry of this limited temporary injunction.

19 Therefore, IT IS HEREBY ORDERED that ICE may administer intravenous hydration to  
20 preserve Mr. Verma's life and health and prevent irreparable injury.

21 IT IS HEREBY FURTHER ORDERED that if Mr. Verma refuses to cooperate with the  
22 administration of intravenous hydration, ICE and medical staff at the Northwest ICE Processing  
23 Center may use soft medical restraints to assure the safety of Mr. Verma and the medical staff  
24 when administering the necessary treatment.

1 This temporary order expires on November 1, 2024 unless it is extended by further order  
2 of this Court. *See* Fed. R. Civ. P. 65(b)(2). The Court will issue a formal hearing notice on Monday,  
3 October 21, 2024, and that notice will schedule a preliminary injunction hearing no later than  
4 November 1, 2024 at 1:00 P.M. *See* Fed. R. Civ. P. 65(b)(3). The United States must be prepared  
5 to present evidence in support of its request for an injunction lasting for the duration that medical  
6 intervention is required, and a representative of ICE must be present for the hearing. The United  
7 States must also file a status report, supported by affidavit, on Mr. Verma's condition and any  
8 supplemental briefing on its request for a longer injunction no later than October 29, 2024. The  
9 United States must also arrange for Mr. Verma to appear by telephone or videoconference for the  
10 hearing. ICE is directed to provide a copy of this order to Mr. Verma as soon as possible and to  
11 provide him notice of the hearing as soon as it is formally scheduled.

12 Dated this 18th day of October, 2024.

13  
14   
15 Tiffany M. Cartwright  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24